

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Canon Inc. and Canon U.S.A., Inc.,

Plaintiffs/Counter Defendants,

v.

Tesseron Ltd., Industrial Print Technologies L.L.C.,
and Forrest P. Gauthier,

Defendants/Counter Claimants.

14 Civ. 5462 (DLC)

**NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT ON
COUNTS THREE AND FOUR OF PLAINTIFFS' COMPLAINT AND ON
DEFENDANTS' COUNTERCLAIM FOR BREACH OF THE IMPLIED DUTY OF
GOOD FAITH AND FAIR DEALING**

PLEASE TAKE NOTICE that pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Rules of the United States District Court for the Southern District of New York, and upon the accompanying Memorandum of Plaintiffs in Support of Their Motion for Partial Summary Judgment on Counts Three and Four for Declaratory Judgment and on Defendants' Counterclaim for Breach of the Implied Duty of Good Faith and Fair Dealing, the Declaration of Joseph A. Calvaruso, dated September 23, 2015, and exhibits thereto, the Local Rule 56.1 Statement of Material Facts, and all prior pleadings, submissions and proceedings herein, Plaintiffs Canon Inc. ("CINC") and Canon U.S.A., Inc. ("CUSA") (collectively, "Plaintiffs"), through their undersigned counsel, will move this Court, before the Honorable Denise L. Cote, United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, at a date and time convenient for the Court, for an order granting Plaintiffs' motion (i) for partial summary judgment on Counts Three and Four of Plaintiffs' Complaint, and (ii) for partial summary judgment

dismissing Defendants' First Counterclaim for breach of the implied covenant of good faith and fair dealing.

Dated: New York, New York
September 23, 2015

Respectfully submitted,

/s/ Joseph A. Calvaruso

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